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10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 COUNTRY JOE STEVENS

14 Plaintiff,

15 vs.

16 CO. A. JUNGEN, et al.

17 Defendants.

Case No. 3:11-cv-00558-LRH-VPC

**MOTION FOR ALTERNATIVE PRESENCE OF
COUNSEL AT SETTLEMENT CONFERENCE**

18 Defendant, Julie Rexwinkel, by and through counsel, Adam Paul Laxalt, Attorney
19 General of the State of Nevada, and Micheline N. Fairbank, Senior Deputy Attorney General
20 (SDAG), and Chaz W. Lehman, Deputy Attorney General (DAG), respectfully moves for leave
21 of the court to permit alternative presence of counsel at the settlement conference scheduled
22 pursuant to Order Scheduling Settlement Conference (#98)¹. This Motion is made pursuant to
23 LR 7-2 and based upon the following Memorandum of Points and Authorities and all papers
and pleadings on file in this action.

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 In this Court's December 8, 2014, Order Scheduling Settlement Conference (#98), the
26 Court ordered "[a]ll counsel of record who will be participating in the trial of this case . . . must
27

28
¹ This number refers to the Court's docket number.

1 be present." (*Id.* at 1:15-16). Defense Counsel SDAG Micheline N. Fairbank had an
 2 unanticipated conflict arise on her calendar when the Eighth Judicial District Court in and for
 3 Clark County, Nevada, issued an order setting a hearing with personal appearance by
 4 counsel for March 24, 2015, at 9:00 a.m. Accordingly, SDAG Fairbank cannot be personally
 5 present at the settlement conference scheduled in this matter and the hearing set in Las
 6 Vegas for the same date and time. Because of this conflict, Defendant seeks leave of the
 7 court to permit just one of the two attorneys representing Defendant to appear at the
 8 Settlement Conference scheduled for March 24, 2015, at 9:00 a.m.

9 Defendant and defense counsel do not wish to delay trial or settlement negotiations in
 10 this matter; on this basis Defendant seeks leave to allow one of the attorneys in this matter to
 11 appear at the settlement conference. Appearing at the settlement conference on behalf of
 12 Defendant will be DAG Chaz W. Lehman, who is co-counsel in this matter. DAG Lehman is
 13 fully apprised of the facts, circumstances, claims, defenses, and prior settlement negotiations
 14 relevant in this matter and he is fully prepared to engage in good faith settlement negotiations
 15 with Plaintiff with respect to this matter.

16 Accordingly, Defendant seeks leave of the court to permit just one of the two attorneys
 17 representing Defendant to appear at the Settlement Conference scheduled for March 24,
 18 2015, at 9:00 a.m. so as to alleviate the scheduling conflict present in defense counsel's
 19 schedule as well as not delaying the proceedings in this matter.

20 Based upon the foregoing, Defendant respectfully requests that the Court grant this
 21 Motion with respect to the requirement that all counsel who will be participating in trial appear
 22 at the settlement conference and permit just DAG Lehman to appear on behalf of Defendant.

23 Dated this 17th day of March, 2015.

ADAM PAUL LAXALT
 Attorney General

24 By Micheline N. Fairbank
 25 MICHELINE N. FAIRBANK
 26 Senior Deputy Attorney General
 27 CHAZ W. LEHMAN
 28 Deputy Attorney General
 Bureau of Litigation
 Public Safety Division
 Attorneys for Defendant

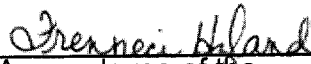
29 **IT IS SO ORDERED**
Valerie A. Forke
 U.S. MAGISTRATE JUDGE

DATED: March 18, 2015

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 17th day of March, 2015, I have caused a copy of the foregoing **MOTION FOR ALTERNATIVE PRESENCE OF COUNSEL AT SETTLEMENT CONFERENCE** to be served, by U.S. District court CM/ECF Electronic Filing to the following:

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An employee of the
Office of the Attorney General